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September 5, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

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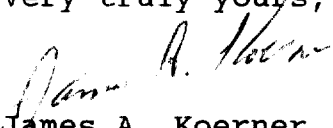
RE: MM Docket No. 95-88

Dear Mr. Caton:

On behalf of MusicRadio of North Carolina, Inc., there are transmitted herewith an original and four copies of its Comments with respect to the counterproposal of Aurora Broadcasting in the above-referenced proceeding.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner
Counsel for
Music Radio of North Carolina, Inc.

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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Rose Hill, Trenton, Aurora)
and Ocracoke, North Carolina)
)
To: Chief, Allocations Branch)
Policy and Rules Division)
Mass Media Bureau)

MM Docket No. 95-88

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COMMENTS

MusicRadio of North Carolina, Inc. ("MusicRadio"), by its attorneys, hereby submits its Comments regarding the counter proposal of Aurora Broadcasting proposing the allotment of Channel 283A to Aurora, North Carolina. The counterproposal appeared on Public Notice (Report No. 2092) dated August 21, 1995. As required these Comments are filed within 15 days of the Public Notice.

MusicRadio is the licensee of Radio Station WMSQ, Havelock, North Carolina. In a previous rulemaking proceeding (MM Docket No. 86-65), Station WMSQ was ordered to change frequency to Channel 286. An application is presently pending to effectuate such change and to upgrade to a Class C2 status (File No. BPH-941019IC). However, the FAA, has determined that the construction proposed would constitute a hazard to air navigation. Accordingly, MusicRadio must amend the application to specify another site.


Because of Havelock's proximity to the ocean, environmentally sensitive areas and the military base at Cherry Point, it is extremely difficult to locate transmitter sites which will comply with the Commission's spacing and coverage requirements, as well as meet with the approval of the FAA. The area in which available sites may be located is extremely limited.

Attached hereto is an Engineering Exhibit prepared by William Culpepper & Associates. It demonstrates the limited areas in which MusicRadio can locate a tower. The Aurora counterproposal will limited this area even further.

Since the Commission has already determined that the WMSQ channel change and upgrade is in the public interest, it must allow MusicRadio to attempt to accomplish the change. Accordingly, it is respectfully requested that the counterproposal of Aurora Broadcasting not be adopted.

Respectfully submitted,

MUSICRADIO OF NORTH CAROLINA

By: 
James A. Koerner
Baraff, Koerner, Olender
& Hochberg, P.C.
Three Bethesda Metro Center, Ste. 640
Bethesda, MD 20814
Its Attorney

MUSICRADIO OF NORTH CAROLINA, INC.

HAVELOCK, NORTH CAROLINA

ENGINEERING EXHIBIT

September 1995

William Culpepper & Associates
900 Jefferson Drive
Charlotte, NC 28270

MUSICRADIO OF NORTH CAROLINA, INC.

HAVELOCK, NORTH CAROLINA

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MUSICRADIO OF NORTH CAROLINA, INC.

HAVELOCK, NORTH CAROLINA

DECLARATION

I declare, under penalty of perjury, that I have prepared the attached Engineering Exhibit for MusicRadio of North Carolina, Inc., and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief; and that I am a Registered Professional Engineer in the State of North Carolina.

Executed on September 5, 1995.



William A. Culpepper

900 Jefferson Drive
Charlotte, NC 28270
704-365-9995

MUSICRADIO OF NORTH CAROLINA, INC.

HAVELOCK, NORTH CAROLINA

NARRATIVE

This exhibit supports the attached Comment of MusicRadio of North Carolina, licensee of WMSQ, Havelock, North Carolina, on a Counterproposal of Aurora Broadcasting in MM Docket No. 95-88. Duplin County Broadcasters has filed a Petition for Rule Making to change the allotment of channel 284A at Rose Hill, North Carolina to channel 284C2 at Trenton, North Carolina, and to upgrade the facilities of WBSY accordingly. Aurora Broadcasters (hereafter Aurora) filed a Counterproposal to allot channel 283A to Aurora, North Carolina.

WMSQ has been ordered to channel 286C2 as a result of MM Docket 86-65. The reference point for the Havelock C2 allotment is at 34° 49' 42" north and 76° 42' 12" west. MusicRadio has filed an application for construction permit for the class C2 facility at 34° 49' 43" north and 76° 42' 16" west, which is 0.11 kilometers from the reference. The Federal Aviation Administration has determined that the tower requested in the application is a potential hazard, and MusicRadio is in the process of locating another site that will meet the requirements of both the FAA and FCC §73.207.

Page 3 is a spacing study for channel 286C2 at 34° 49' 42" north and 76° 42' 12" west, the Havelock C2 allotment reference. Figure 1 is a map showing the reference point, the WDCG preclusion, the preclusion to the Aurora reference point and the limit for placing a city-grade signal over Havelock (32.6 kilometers).

The Useable Area for the Havelock allotment is confined by the WDCG preclusion on the west, the city-grade limit on the east, and Onslow Bay on the south. These restrictions are illustrated on Figure 1. In addition, the Useable Area is further restricted by aeronautical considerations, large areas of marsh and tidal areas, and the urbanized area surrounding Morehead City. The map shows that the Aurora allotment imposes a further serious restriction on the area available to MusicRadio for a transmitter site.

WILLIAM CULPEPPER & ASSOCIATES
900 JEFFERSON DR - CHARLOTTE NC 28270

MUSICRADIO OF NORTH CAROLINA, INC.
HAVELOCK, NORTH CAROLINA

REFERENCE		CLASS C2	DISPLAY DATES
34 49 42 N			DATA 07-28-95
76 42 12 W		Current rules spacings	SEARCH 09-05-95
----- CHANNEL 286 -105.1 MHz -----			

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
ALOPEN	286C2	Havelock	NC	0.0	0.00	190.0	-190.00 *
WMSQ.A	286C2	Havelock	NC	286.6	0.11	190.0	-189.89 *
WMSQ	285A	Havelock	NC	295.6	24.37	106.0	-81.63 *
WDCG	286C	Durham	NC	297.4	251.40	249.0	2.40 <
AD284	284C2	Trenton	NC	293.4	66.48	58.0	8.48
WXQRFM	288A	Jacksonville	NC	266.8	72.50	55.0	17.50
ALOPEN	285C2	Hertford	NC	8.2	147.58	130.0	17.58
WXQRFM	288C2	Jacksonville	NC	243.3	76.35	58.0	18.35
WKJE.A	285C2	Hertford	NC	15.7	150.95	130.0	20.95
WRSF	289C1	Columbia	NC	20.1	125.21	79.0	46.21
WKJE.C	285A	Hertford	NC	12.0	153.20	106.0	47.20

This figure is made from a portion of the USGS
1:250,000 scale topographic map of Beaufort.

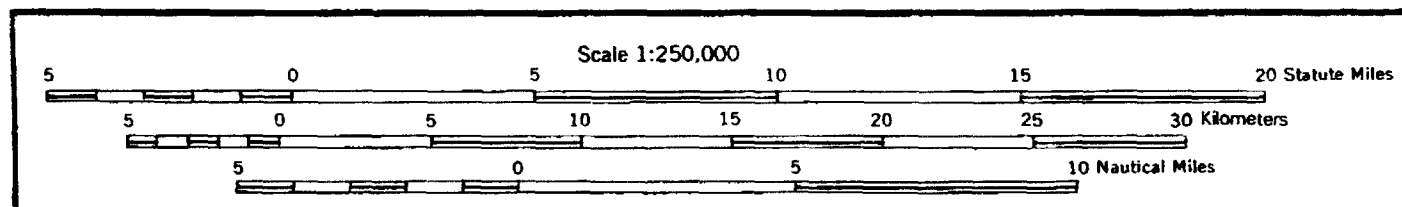
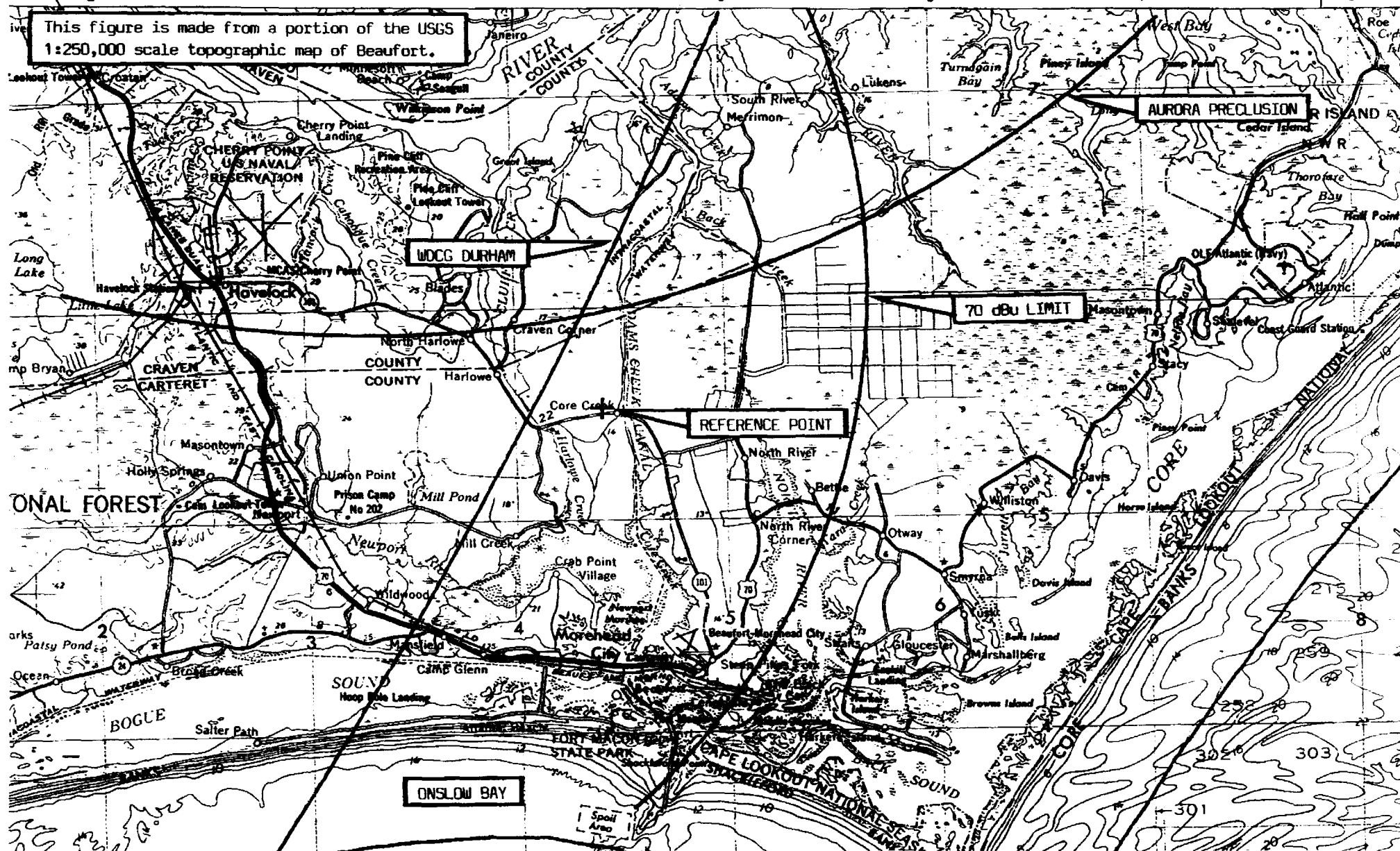


FIGURE 1

USEABLE AREA MAP

MUSICRADIO OF N. C., INC.
HAVELOCK, NC

CERTIFICATE OF SERVICE

I, Marianne C. Lynch, do hereby certify that a true and correct copy of the foregoing "Comments" has been served upon the following individuals by U.S. Mail on this 5th day of September 1995.

John A. Karousos, Esq.*
Chief, Allocations Branch
Policy and Rules Division
Federal Communications Commission
2000 M Street, NW, 5th Floor
Washington, D.C. 20554

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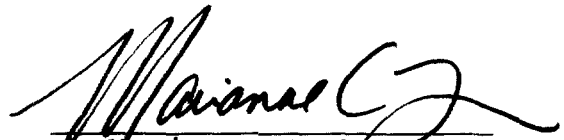
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Marianne C. Lynch

* via hand delivery
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